IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 271 OF 2004

Anil R. Kishnani .. Plaintiff

versus

Indo-Tech Engineering Corporation & Anr.. Defendants

...

Ms.S.U. Lakdawala i/b M.L.Miranda for the plaintiff.

CORAM : D.G. KARNIK,J.

DATED : 13th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the plaintiff though served.

2. The plaintiff has filed on record joint Affidavit of service of writ of summons on 22nd November 2004 proving service on the defendants on 7th May 2004. Despite service of writ of summons on the defendants on 7th May 2004, the defendants have not filed appearance. The plaintiff has filed on record documents which consists of original bill of exchange, office copy of the notice and the

acknowledgements.

3. I have perused the plaint and documents filed on record. For a valuable consideration, the defendant no.1 drew a bill of exchange on defendant no.2. The defendant no.2 accepted the said bill of exchange and signed the acceptance. The defendants failed and neglected to make the payment inspite of demand. The plaintiff is therefore entitled to a decree of the amount of the bill of exchange and interest u/s.80 of the Negotiable Instruments Act.

4. In the absence of any appearance, plaintiff is entitled to a decree under Order 37 Rule 2(3) of the Code of Civil Procedure. For these reasons, the suit of the plaintiff is decreed as follows:

5. The defendant shall pay to the plaintiff a sum of Rs.71,254/- together with interest on the principal sum of Rs.50,000/- at 9% from the date of the suit till payment and all costs of the suit.

6. Issue court fee refund as per rules.

D.G. KARNIK,J